

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Gregory Alan Gaylor

v.

Case No. 04-cv-372-PB

Warden, New Hampshire

NOTICE OF RULING

Re: Document No. 53, Motion for Certificate of
Appealability

Ruling: To be entitled to a certificate of appealability in a case such as this, where the court has dismissed a petition on procedural grounds, "the petitioner must show both that 'the soundness of the procedural ruling is debatable, and . . . [that] the [underlying] constitutional claim is also colorable.'" In re Smith, 436 F.3d 9 (1st Cir. 2006) (quoting Mateo v. United States, 310 F.3d 39, 40 (1st Cir. 2002)). My January 24, 2006 Order provides a detailed explanation as to why Gaylor's claims are time-barred. Nothing Gaylor has filed since that Order issued has demonstrated that the soundness of the Order is debatable. Motion denied.

Entered by: Paul Barbadoro, U.S. District Judge

Date: April 19, 2006

cc: Gregory Gaylor, pro se
Karen Huntress, Esq.